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COUNTY OF LOS ANGELES

Department of Agricultural Commissioner/ Weights and Measures


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Richard K. Iizuka
Chief Deputy

DATE: August 22, 2013

TO: Supervisor Mark Ridley-Thomas, Chair, Second District
Supervisor Gloria Molina, First District
Supervisor Zev Yaroslavsky, Third District
Supervisor Don Knabe, Fourth District
Supervisor Michael D. Antonovich, Fifth District

FROM: Kurt E. Floren 
Agricultural Commissioner
Director of Weights and Measures

**SUBJECT: Metropolitan Transportation Authority's Insect Control Program;
Assessment of Adherence to Standards and Health and Safety Compliance**

On June 25, 2013, on a motion by Supervisor Antonovich (Item # 35-A), your Board directed the Agricultural Commissioner/Director of Weights and Measures (Commissioner/Director) to conduct an assessment of the Metropolitan Transportation Authority's (MTA's) insect control program to ensure that they are operating within industry standards and that chemicals being used to eradicate insects on buses do not pose a threat to the health and safety of bus operators, customers or the public. Your Board instructed the Commissioner/Director to report back to the Board within 60 days. This letter provides the requested report.

In response to your Board's directive, staff of the Department of Agricultural Commissioner/Weights and Measures (ACWM) conducted an investigation and review of past inspections. ACWM met with MTA personnel, monitored application practices, reviewed procedures and policies of MTA regarding its pest management activities, and reviewed pest control practices and pesticide use records of the pest control company performing the pesticide applications. Findings showed no violations of pesticide use laws or regulations.

ACWM staff met, on July 18, 2013, with MTA's Industrial Hygiene & Safety Manager. It was confirmed that MTA contracts with an appropriately licensed pest control company, Isotech Pest Management, to perform pest control of insects, primarily cockroaches, on MTA buses. According to MTA's standard operating procedures, buses are monitored on a regular basis for the presence of roaches and buses receive pesticide treatments, generally, every three months to prevent infestations. Before pesticides are applied, buses are moved to a designated treatment zone for applications, and only pesticides approved by MTA are utilized. It was further determined that, following any application, each treated bus is posted with a "Chemical Pesticide Application Notice," bus doors and windows remain opened, and the bus remains vacant and posted for three hours, minimum, to facilitate aeration. Applications are routinely monitored by MTA staff and are subject to ACWM's pesticide use regulatory program.

In reviewing the pest management policies of MTA, pest control practices of Isotech Pest Management, and pesticide use reports submitted monthly to ACWM by Isotech Pest Management, as required by state law, it was verified that MTA buses are treated using only the following pesticides:

- Cy-Kick CS (EPA Registration No. 499-470)
- NyGuard IGR (EPA Registration No. 1021-1603)
- Onslaught (EPA Registration No. 1021-1815)
- Shockwave (EPA Registration No. 1021-1810)

Each of the above listed insecticides is currently and properly registered with, both, the U.S. Environmental Protection Agency (US EPA) and the California Environmental Protection Agency (CalEPA). Each material is registered and approved for use on buses as well as other sensitive areas, such as restaurants and schools.

Pesticide registration is the process through which US EPA examines active ingredients of a pesticide, the site(s), crop(s), vehicle(s), structure(s), etc., upon which it is intended for use, the rate, frequency, and timing of its use, and storage and disposal practices appropriate to the material. US EPA conducts extensive evaluation and testing prior to issuing approval and awarding registration to any pesticide to identify application rates, conditions of use, requirements for re-entry periods (time restrictions to entering treated areas after application), safety precautions (such as use of personal protective equipment), and many other factors and restrictions to ensure that its use, under those specified use conditions, will not produce any unreasonable adverse effects upon humans, the environment, or non-target species. A pesticide must be registered or exempted by EPA's Office of Pesticide Programs before it may be sold or distributed in the United States. Once registered, use of the pesticide must be in adherence to approved directions, restrictions, and other requirements set forth on the pesticide label.

After meeting with MTA officials on July 18, 2013, ACWM Inspector Susan Toohey performed a pesticide use monitoring inspection at the MTA El Monte yard, one of eleven yards at which pesticide applications occur. At each, there is a designated area utilized for bus treatments. ACWM Deputy Director Greg Creekmur and Deputy Commissioner Sherlan Neblett were also present. Inspector Toohey observed that each of the four pesticides was applied in adherence to rates specified on the respective product label and applications to cracks and crevices of buses were performed properly. No strong odors were detected by ACWM personnel during the process. After the application was complete, it was observed that Isotech technicians wiped up excess pesticide materials, and bus windows and doors were left open for aeration. Although not required, all buses were then posted with the previously mentioned "Chemical Pesticide Application Notice" forms. The notices are pre-printed with information including:

- Name of the licensed pest control company
- Identification of materials applied
- Cautionary notice: "CAUTION-PESTICIDES ARE TOXIC CHEMICALS"
- Explanation of registration processes and instructions for illness reporting
- Phone numbers for Poison Control Center and ISOTECH Pest Management
- Phone numbers re: L.A. County Health Dept., ACWM, and Structural Pest Control Board
- Metro Corporate Safety phone number (for questions or information regarding notice)
- Bold-printed notice: "**DO NOT ENTER THIS BUS UNTIL: _____**"
(A time, three hours after application, is hand-entered, as is the respective bus number)

RECENT INSPECTION HISTORY OF ISOTECH PEST MANAGEMENT

Under ACWM's routine Pesticide Regulatory Program, pest control companies are subject to an array of varying inspections. Such is true of Isotech Pest Management, which provides all pest control services to MTA regarding its bus fleet.

Routine Headquarters Inspections are conducted, which include the following:

- Verification of current annual registration with the County Agricultural Commissioner
- Verification of current, valid license issued by the State Structural Pest Control Board
- Verification of current, valid licenses for the company Operator and Field Representative
- Audit of monthly pesticide use records to verify pesticides align with client records
- Verification of Emergency Medical plan for employees utilizing pesticides
- Posting of all required hazard communications
- Examination of Respiratory Protection Program; Verification of:
 - Fit-test records regarding all employees utilizing respirators
 - Employee Medical Evaluation records
 - Maintenance and availability of written respiratory program
- Verification of proper storage of Personal Protective Equipment (PPE)
- Inspection of Pesticide Storage Areas; Verification of:
 - Posting of required warning signs on entrances
 - Security provisions to prevent unwarranted entry
 - Appropriate labeling, condition, and design of all pesticide containers

ACWM records show:

Headquarters Inspection (Routine)	January 2009	No Violations
Headquarters Inspection (Routine)	September 2010	No Violations
Headquarters Inspection (Routine)	November 2012	No Violations

Past 3 Years – Other Routine Inspections:

Truck Inspection (Routine)	February 2012	No Violations
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Truck Inspections include inspection/verification of:

- Medical Care Posting (local medical contact information in event of emergency)
- Pesticides and Personal Protective Equipment (stored properly/safely)
- Vehicle clearly marked with pest control company name and license number
- Power sprayer and other service containers labeled with pesticide(s) contained
- Sprayer equipped with anti-siphon air gap to prevent source water contamination

Pesticide Use Monitoring Inspection (Routine)	March 2012	No Violations
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Pesticide Use Monitoring Inspection (Routine)	April 2013	No Violations
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Pesticide Use Monitoring Inspections are visual observations of actual applications and include inspection/verification of:

- Personal Protective Equipment (gloves, safety glasses, etc.) used during application
- Structural Pesticide License (current and valid)
- Pesticide label at use site (for ready reference by applicator)
- Proper pesticide use rates being used
- Proper application of pesticide(s)

Other Non-Routine Inspections:

In the past two years, ACWM conducted two investigations regarding the use of pesticides on MTA buses as a result of separate complaints filed by MTA bus drivers alleging illness symptoms due to exposures to pesticides used in pest control activities on MTA buses. In each case, ACWM staff promptly initiated investigations as follows:

Illness Complaint – November 2011

Summary: An MTA bus driver, wishing to remain anonymous, phoned ACWM complaining of headaches, breathing difficulties, pain in joints, and nausea, attributing the symptoms to pesticide applications conducted by Isotech Pest Management on MTA buses. ACWM staff made contact with Isotech personnel within two days and met with the company owner-operator the next day to conduct interviews and review their policies, procedures and records. Four pesticides (Shockwave, Cy-Kick CS, Onslaught, and Nyguard IGR Concentrate) were confirmed as materials used to treat MTA buses. All application rates, posting of application notices, content of application notices, prevention of entry to buses for a minimum of three hours after application, adherence to other requirements of the pesticide labels, and post-application aeration practices were found to be in order and in compliance with applicable laws and regulations. No evidence of violations or pesticide misapplication practices was found. No doctor's report supporting any relationship of experienced symptoms to pesticide exposure was submitted by the complainant. Therefore, the investigation was inconclusive as to any linkage of the alleged symptoms to pesticide exposure.

Illness Complaint – June 2013

Summary: An MTA bus driver submitted a CalEPA complaint form to the California Department of Pesticide Regulation (within CalEPA) and the complaint was forwarded to ACWM for investigation. The complainant alleged that Isotech sprays pesticides inside the buses late at night and keeps the buses closed after applications. The complainant further alleged to have experienced "allergic reactions" from pesticide exposure. After multiple attempts by ACWM staff to make contact with the complainant, a phone conversation 14 days later with the complainant resulted in recording of the following allegations (summarized):

- No specific bus assigned; Bus assignments could change daily
- First experienced symptoms on a specific date in March 2012
- Felt queasy & nauseated, experienced headache, body aches, increased heart rate
- Symptoms remained two days later
- Was examined by personal physician, who reported to the complainant that he "couldn't tell" if symptoms were due to pesticides
- Complainant returned to work approximately two weeks later and, after one week, left on medical leave for nearly one year
- Complainant returned to work at MTA in March 2013
- In ensuing three weeks, the complainant alleged to experience symptoms of "a runny nose, itchy eyes, scratchy throat, and a sinus headache" which the complainant attributed to pesticide exposure

The complainant claimed to have visited several medical facilities to "find out what was wrong." ACWM staff asked of the complainant's willingness to provide medical records for review. No medical records were received by ACWM from the complainant.

The following day, ACWM staff contacted Isotech Pest Management and scheduled a meeting with them eight days later to conduct interviews and records inspections. At that time, ACWM staff conducted a full headquarters records inspection. A single paperwork noncompliance was discovered (Failure to include the Structural Pest Control Board address on a "Notice to Occupant" form), having no relation to any alleged pesticide misapplication practices. It was found that the specific date that the complainant had alleged first experiencing symptoms (in March 2012) was a Saturday, and that Isotech Pest Management performs MTA bus treatments only Sundays through Thursdays. No service ticket, therefore, was found to exist for any MTA bus treatment corresponding with the complainant-provided date in March 2012. Thorough review of pesticide treatment practices and policies employed by Isotech Pest Management, post-application clean-up and aeration practices, and adherence to pesticide label specified rate, application, and other requirements revealed that Isotech personnel had knowledge of all compliance requirements and no evidence of failures to comply with such requirements was found. On July 18, 2013, ACWM staff went to the MTA El Monte bus maintenance yard to perform the pesticide use monitoring inspection earlier described. The investigation of this complaint revealed no evidence of pesticide misapplications regarding buses at the MTA El Monte bus yard. No doctor's report supporting any relationship of experienced symptoms to pesticide exposure was submitted by the complainant. Therefore, the investigation was inconclusive as to any linkage of the alleged symptoms to pesticide exposure.

Conclusions:

Isotech Pest Management is and has been, since 2011, the pest control company contracted by MTA to perform pest management upon its bus fleet. Isotech Pest Management is a licensed company in good standing with the California Structural Pest Control Board. Since registered as a licensed pest control company in 2004, ACWM has conducted pesticide use monitoring inspections and annual headquarters records inspections regarding Isotech, as well as additional inspections in the investigation of two complaints from MTA bus drivers as described heretofore. No non-compliances were ever issued to the company regarding improper use of pesticides.

As a result of this investigation conducted in response to your Board's directive, ACWM has determined that MTA's current pest control program is performed in accordance with all applicable pesticide use laws and regulations, using only pesticides labeled for use on buses. All observed applications on the buses were made in accordance with legal requirements and included additional safety and cautionary steps beyond the requirements of the pesticide labels or regulations. It must be noted that ACWM is not authorized, equipped or responsible to perform independent evaluations of the safety or potential health effects of any pesticide material, as such is the purview of the U.S. Environmental Protection Agency and CalEPA. ACWM monitors and enforces adherence to the use requirements specified upon the labels of the respective pesticides, issued by US EPA, as well as all other pesticide use laws and regulations. In so doing, ACWM finds that the Metropolitan Transportation Authority, through its contracted pest control provider, Isotech Pest Management, is using pesticide materials to eradicate insects on buses in a manner that does not pose a threat to the health and safety of bus operators, customers or the public, as determined via the US EPA registration process.

cc: William T Fujioka, Chief Executive Officer
Sachi Hamai, Executive Officer